

Remarks

The Examiner's Office action mailed February 20, 2004, which rejected pending claims 1-5, 7, 9, 10, 12, 14, 15, and 17, objected to claims 6, 11, 13, and 16, and allowed claims 18-23, has been reviewed. In view of the following remarks, Applicant respectfully submits that the application is in condition for allowance.

The Examiner rejected claims 1-5, 7, 9, 10, 12, 14, 15, and 17 as being unpatentable over U.S. Patent No. 6,255,953, issued to Barber ("Barber") in view of U.S. Patent No. 6,590,529, issued to Schwoegler ("Schwoegler"). Claims 6, 11, 13, and 16 were objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant had submitted a Second Declaration under 37 C.F.R. § 1.131 (including Exhibits A and B) of Andre P. Guillory, the inventor, and a Declaration of Marshall E. Martin In Support of the Second Declaration of Andre P. Guillory. Martin is not an inventor. The Martin Declaration was evidence in support of the Second Guillory Affidavit under MPEP 715.07(F).

The Examiner found the Declarations deficient because 1) the evidence did not show "type data indicating a type of severe weather and area designation data for a specific area comprising at least one member of a group consisting of sector data indicating a sector in which the severe weather is expected" and 2) the Declarations did not allege actual reduction to practice in this country or a NAFTA or WTO member country.

Applicant submits herewith a Third Declaration under 37 C.F.R. § 1.131 (including Exhibits A and B) of Andre P. Guillory, the inventor, and a Second Declaration of Marshall E. Martin In Support of the Third Declaration of Andre P. Guillory. Martin is not an inventor. The Martin Declaration is being presented under MPEP 715.07(F) and is evidence in support of the Third Guillory Declaration.

The Third Guillory Declaration and the Second Martin Declaration each allege that the acts relied on were carried out within the United States. Therefore, the second deficiency is corrected.

Regarding the first deficiency of the Declarations, Applicant respectfully disagrees and believes that the Declarations demonstrate a complete conception and reduction to practice of all limitations of the claims.

PATENT
Attorney Docket No. 390073

The following is a mapping of the claim limitations from item number 1 of the Office action to the Subparts of the Guillory Declaration (Section 9) and the Martin Declaration (Section 5). Other Subparts may show the limitations, and the Subparts below may show other limitations. The mapping below is not intended to be exclusive of either. The Subparts are listed in their entirety below the mapping and are the same numbered Subparts in each Declaration. The Subparts listed below existed in the Declarations filed on December 15, 2003, and exist in the presently filed Declarations.

<u>Limitations</u>	<u>Declaration Subparts</u>
type data	(n, o, p)
indicating a type of severe weather	(d, n, s)
area designation data for a specific area	(f-k, l, m, p)
comprising at least one member of a group consisting of sector data	(h, l, m, p)
indicating a sector in which the severe weather is expected	(d, f-k, l, s)

Below is the listing of the cited Subparts from the Declarations.

d. For example, a tornado warning or alert would be delivered to only those homes/businesses in the actual path of the tornado or under actual threat of the tornado.

f. A warning/alert could be generated to a designated geographic area.

g. The designated area could be a county and/or city.

h. The designated area could be a sector of a county and/or city.

i. The designated area could be another geographic sector.

j. The sectors could be as small and as numerous as appropriate.

k. The transmitted signal would include a code to designate the designated area.

l. In one example, one or more codes in the transmitted signal would indicate a county designation and/or a city designation and/or a geographic sector designation within the county and/or city.

- m. In another example, a larger area could be alerted by sending a series of codes to alert multiple sectors.
- n. The transmitted signal may include a type code to identify whether the signal being transmitted was an actual alarm or warning signal or a test signal.
- o. In later discussions, we expanded the type code to allow for other types of warnings, such as a chemical spill, etc.
- p. The "codes" are data transmitted in the signal, and they may include type code, city/county code, and/or sector code and/or other codes.
- s. In another example, a receiver has switch settings that can be set for a selected city/county and/or sector. If the receiver receives a signal and the signal has a code that matches the switch settings, the receiver will produce an alarm or warning or action for the type of signal received (test signal, tornado signal, other warning signal, etc).

The Declarations and their exhibits demonstrate a date of invention prior to the earliest effective date of Schwoegler. The Third Guillory Declaration and the Second Martin Declaration show conception and reduction to practice of the invention of the present Application prior to the priority date of Schwoegler and/or conception prior to the priority date of Schwoegler and due diligence from this conception to the priority date of the present Application and the subsequent filing date of the present Application. Although, Applicant maintains that the conception of the invention was demonstrated in the first and Second Declarations under 37 C.F.R. § 1.131.

Accordingly, Schwoegler is inapplicable as prior art to the present Application. Therefore, Schwoegler is removed from citation as a prior art reference.

Because Schwoegler is inapplicable as prior art to the present Application and Barber does not disclose or teach all of the limitations of the claims, including all the limitations of the independent claims 1, 7, 12, and 14, Applicant respectfully requests withdrawal of the rejection of claims 1-5, 7, 9, 10, 12, 14, 15, and 17. Because the claims from which claims 6, 11, 13, and 16 depend have been shown to be allowable, Applicant respectfully requests withdrawal of the objection of claims 6, 11, 13, and 16.

PATENT
Attorney Docket No. 390073

Applicant's attorney and the Examiner discussed the above issues in a telephone conference on June 17, 2004.

Applicant incorporates and renews the Remarks made with regard to the Barber and Boozer patents and the current claims of the present application in Applicant's Response dated May 27, 2003.

Applicant incorporates all remarks from Applicant's Response filed on December 15, 2003, as set forth fully herein.

Applicant thanks the Examiner for the allowance of claims 18-23.

The references cited by the Examiner and made of record have been reviewed by Applicant. Applicant has no further remarks with regard to the cited references.

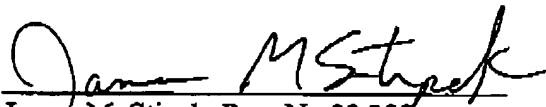
Based on the foregoing, it is submitted that the Applicant's invention as defined by the claims is patentable over the references of record. Issuance of a Notice of Allowance is solicited.

Applicant's attorney welcomes the opportunity to discuss the case with the Examiner in the event that there are any questions or comments regarding the response or the application.

This is intended to be a complete response to the Examiner's Office action mailed on February 20, 2004.

Respectfully Submitted,

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